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The Rights of Street Children and Youth

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THE RIGHTS OF STREET CHILDREN AND YOUTH

Briefing Paper 12 · May 2018

KEY POINTS

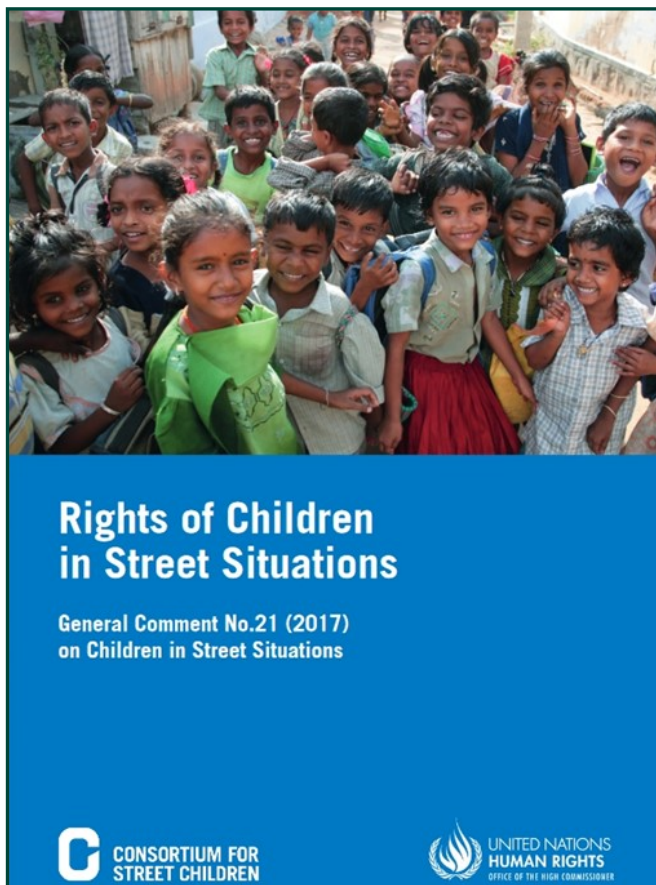
- Nearly 30 years on from the UN Convention on the Rights of the Child (1989), children and youth living in street situations are still deprived of their rights.
- The Growing up on the Streets network were involved in developing new UN authoritative guidance in 2017 on the rights of children in street situations.
- States are currently failing street children and youth globally by failing to protect them against rights violations; including violence, discrimination and exploitation by the agents of the state.
- All children deserve to have their rights respected and fulfilled and to live their lives with dignity and hope, regardless of status.

INTRODUCTION

In February and March 2016, as part of global consultations initiated by the United Nations Committee on the Rights of the Child, the Growing up on the Streets network of young people living on the streets were involved in the development of a new legal framework for children in street situations (2017). The General Comment (UNGC) supplements and strengthens the UN Convention on the Rights of the Child (1989), addressing the rights of children growing up in street situations. Growing up on the Streets is a longitudinal and participatory research project with over 200 street children and youth in Accra (Ghana), Harare (Zimbabwe) and Bukavu (DRC) over three years, between 2012-2016. Participants involved in the UNGC consultations had previously taken part in focus groups covering 10 'capabilities', key aspects of street life defined by participants (see our [Briefing Papers](#)).

WHAT RIGHTS MEAN TO STREET CHILDREN AND YOUTH

The UNGC states that Governments have responsibilities to children in street situations under 32 Articles across seven themes: a child rights approach; civil rights and freedoms; family environment and alternative care; adequate standard of living; disability and health; education, leisure and cultural activities; and violence against children. Participants in 18 focus groups



The UN General Comment on Children in Street Situations was published in June 2017.

discussed what rights meant to them, focusing on the right to be on the streets, to have their basic needs met, and to protection (Articles 15, 20, and 27 of the UNCRC); concluding with a discussion on the role of city and national governments in ensuring children's rights are met.

Rights are “to have my freedom,” which should not be “stepped upon” (Accra group 8). A female participant in Bukavu felt that: “as you are a street child some people think they have got the right to beat you up for no reason because you have no home. But you must have your rights; because we are all human beings and we are all equal” (group 6). Similarly, in Harare, “street children are like any other children at home; they have rights and their rights must be fulfilled” (Harare group 6). And in Harare and Bukavu in particular, participants repeatedly expressed the desire to “be seen as a person” (Harare group 6) and not “like animals” (Bukavu group 2).

THE RIGHT TO BE ON THE STREETS

In contrast to a welfare approach, which perceives children as victims requiring rescue and restitution to family; or a repressive approach, involving the forcible removal of children from the streets; a child rights based approach requires the recognition of children and youth’s decision, as rights-holders, to live their lives in a street situation (UNGC, p. 9). Participants saw themselves as having the right to live on the street, and described the reasons for their presence there as poverty, mistreatment by family members, lack of job opportunities in rural areas, and lack of food. “Hunger and poverty are the things which push me to live on the street” (Bukavu group 1), but once there they felt, “it is my right to work without disruption” (Accra group 5).



Authorities destroy informal settlements in Accra, Ghana.

Children and youth may come to the city because they anticipate greater freedom to earn money, for example through selling on the streets, in contrast to rural communities. From their arrival, they must meet their own basic daily needs, including food and shelter. For example, boys in Bukavu seek work throwing waste in exchange for food, disentangle fishing nets, or carry loads; “when I am penniless, I must do it, provided that I



Car and motorbike washing (on the shores of Lake Kivu, Bukavu); informal and unlicensed income disrupted by authorities.

eat” (group 4). Authorities, such as city councils and the police, employ a repressive approach to inhibit the informal settlements where young people live and interrupt the informal, unlicensed work from which they meet their basic needs, because they do not recognise the right of young people to be on the streets. This inhibition of livelihoods has consequences for children and youth’s rights and their relationship with those in authority. In Harare it further ostracises and alienates street children and youth: “the government is suppressing us” (group 4) “when they chase us away from the street it will cause us to fight against the state” (group 3). In Bukavu, when informal and unlicensed sources of income such as car washing are disrupted, participants may “steal in order to get what we need to live” (group 1). In Accra, female participants saw a direct relationship between the prevention of informal vending and entrepreneurship to engaging in sex work, exposing them to sexual abuse and exploitation: “it will increase street life. I will be tempted to join girls in sex work” (group 7).

The absence of official documentation reinforces street children and youth’s existence at the periphery of society and their inability to claim their rights. In a wider sense, formal recognition of identity (UNCRC Articles 7 and 8) is a fundamental human right; lack of formal identification documents “hinders a lot of things in our lives...City council and government authorities must help us with identity particulars” (Harare group 4).

A fundamental basic need is that of shelter (UNCRC Articles 27 and 16). “We are fighting for shelter” because “although we have sleeping places, we don’t have homes; we sleep in the open on the street. Where to keep our belongings is the problem” (Accra group 4).

Without shelter, maintaining cleanliness (and the right to privacy) is challenging; “after bathing we dress up in the open, we bathe in the open” (Accra group 5), and “you may spend three months without brushing your teeth” (Harare group 3). Lack of shelter can force girls into sexual relationships and exploitation, where boys or men demand sex in return for a sleeping place. A female participant explains: “when you come to the street as a young girl, because you don’t have a sleeping place, you will accept any proposal from a guy who has a kiosk, you will become the girlfriend to that boy and this can lead to early pregnancy” (Accra group 7).



Alleyways in Harare are often places of temporary shelter to street children and youth.

THE RIGHT TO PROTECTION

Street children and youth seek protection from the authorities in the form of legislation, as “we the street children will be accused [of crimes] because there is no one to speak for me. There should be a court where laws will be there to speak for us” (Accra group 8). In Bukavu, male participants request simply that the authorities “stop torturing us on the streets” and “stop putting us in prisons” (group 5). The girls’ group in Bukavu states: “there is no president, no parliamentarian who pleads for the street children. No one. The authorities don’t help us. On the contrary they are beating us, raping us, pushing us to bad sleeping conditions” (group 6). In fact, “the government, through the police and soldiers, make our lives very complicated on the street. The government has never helped the street children but they consider the street children as their enemies. When they arrest and put us in prison, they oblige us to remove excrements with our hands. The government makes the street children suffer very much on the street” (group 1).

While local and national government is perceived as disrupting and inhibiting street children and youth’s daily lives, participants cited examples where the agents of government were perpetrators rights violations in all three cities. In Bukavu, young people living on the streets are subjected to harassment, detention and severe forms of violence by semi-formal vigilante security forces, soldiers, and the police: “you may be walking around and when you only pass by any police station, the policemen catch you and start kicking you for nothing. That’s why I sometimes wonder whether we are not human beings, who can also walk around like other people. What persons are we then? They can meet us on the streets and immediately start kicking us, snatch our money...It’s as if we have no rights” (Bukavu group 5). Girls recounted experiences of gang rape by the police: “Instead of protecting you, it is the same police who rape you...In such context you cannot say that you have your rights respected. We also have our rights like children living at home” (Bukavu group 6).

In another clear transgression of rights, Harare participants described being “rounded up and dumped” by police many miles from the city, and routinely moved on from their “bases” in alleyways. This makes one female participant feel “distressed,” because “especially myself with my baby; I would not know where to put my baby” (group 6). A male participant describes meeting “some police officers who beat me up for being a street kid with new shoes” (group 4).

In Harare and Accra, young people also complained of not being able to access justice: “corruption affects us also; if it is in the police system, you can report a case to police, but because of corruption the offender can only pay a bribe and he will be freed” (Harare group 6). However, in all three cities, young people acknowledged the right of the police and the government to “arrest you when you breach the law” (Accra group 8) and that while “the government is saying not to beat up street children” their agents, “the government workers are the ones that do not listen” (Harare group 3).

Young people in Harare and Bukavu attributed their treatment to “the discrimination that we are ‘street-kids’” with the result that “the police do not consider us as people, they see us as crimes” (Harare group 4). Discrimination also affects street children and youth’s right to access to health care: “we are not given proper

care especially when they get to know that we live on the street and we are not able to provide a house address" (Accra group 8). In Bukavu, "once we fall ill and go to the hospital, the nurses drive us away that they cannot treat us because we have not parents who will pay the medical expenses" (group 1). In Harare, participants called for hospital treatment to be "free of charge" and that health workers should "raise awareness about reproductive health" (group 5).

Participants identified gaining an education as key to protecting themselves from harm and fulfilling their potential. "The ideal activity of a child is to go to school", thus avoiding the "possibility for him to join the street where he learns how to steal" (Bukavu group 2). In Harare, lack of education is a contributor to criminal behaviour: "most street children that grow on the streets did not go to school, and most of them would end up selling drugs and the police will arrest such people" (group 4). Staying in education is also important to protect girls from sexual exploitation: "On the street you can see younger boys and girls who are living in Accra who shouldn't be. Children are supposed to go to school, so that by the time they complete they are mature [...] you can travel anywhere if you are matured; but to travel [to the city] at the age of 10, 12 years by all means a boy will try and force you into sex" (group 5).

CONCLUSION

Street children and youth have a clear sense of their human rights and of the effects that their violation and deprivation has upon their lives. Adopting a child rights approach is an important step to street children and youth claiming their rights: "when I am told about my rights I feel free because I am given my rights. It means freedom" (Bukavu group 4). While Article 2 of the UNCRC states that "no child should be treated unfairly on any basis," participants reported experiences of violence, wrongful arrest and detention. Enacting the rights of young people, and those in street situations in particular, requires those who hold power over their lives to change fundamentally their approach at local and national levels.



Classroom at a drop-in centre for street children and youth, Bukavu. Participants saw education as key in protecting them against rights violations.

Nearly 30 years on from the UNCRC local and national governments, and their agents, remain obligated to actively:

- Prevent discrimination, violence and arbitrary arrest of street children and youth by police and security forces.
- Enable free access to health education and treatment for street children and youth.
- Recognise and facilitate street children and youth's need to seek legitimate work in order to survive.
- Protect street children and youth from exploitation in work and on the streets.
- Provide access to identity documents to demonstrate citizenship, the right to work and to access state services.

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[Growing up on the Streets: A Story Map by Accra's Street Youth](#)

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